

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:14-cv-00238-MOC-DSC

MARY LUCZAK-SMITH)
DRS FAMILY MANAGEMENT, LLC)
DOUGLAS R. SMITH)
FORTIS CAPITAL HOLDINGS, LLC)
SMITH CLOVIS CAPITAL HOLDINGS, LLC)
CLOVIS CAPITAL VENTURES, LLC)
SMITH AND SONS ENTERPRISES, LLC,)

Plaintiffs,)

Vs.)

ORDER

MARCUS SOWINSKI)
PHILIP E GAUCHER)
DRS 2011 FAMILY TRUST)
IT'S A PROJECT, LLC)
AVERY CHAPMAN)
TARYN HARTNETT)
DRS FAMILY HOLDINGS LLC)
CHAPMAN LEGAL GROUP)
VICTOR J. COOK,)

Defendants.)

THIS MATTER is before the court on periodic docket review. It appears that the following non-referred motions are ripe:

- (1) Taryn Hartnett's Motion for Summary Judgment (#89);
 - (2) Taryn Hartnett's Motion for Summary Judgment on Counterclaims (#91);
 - (3) Chapman Legal Group's and Avery Chapman's Motion for Summary Judgment (#93);
- and
- (4) Chapman Legal Group's and Avery Chapman's Motion for Summary Judgment on

Counterclaims (#95).

Those motions will be calendared for oral arguments.

Also pending before the undersigned is Chapman Legal Group's, Avery Chapman's, and Taryn Hartnett's Motion to Strike (#122) and Judge Cayer's Memorandum and Recommendation and Certification of Facts (#128), which are not yet ripe, but will be by the time of the hearing. Those matters will also be set for oral arguments and an evidentiary hearing. The court will set the contempt matter for an evidentiary hearing and require Mr. Smith's personal appearance; based on the court's experience in similar circumstances, Mr. Smith is advised in advance that any 11th hour medical excuse will receive close scrutiny and will not be considered unless it is in the form of an affidavit or declaration made under penalty of perjury by a medical doctor and supported by clinical records.

ORDER

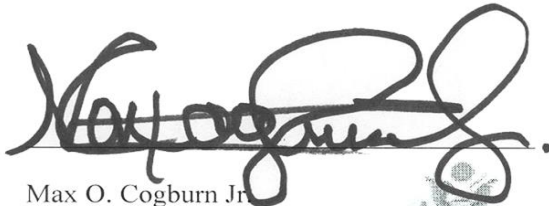
IT IS, THEREFORE, ORDERED that the Clerk of Court calendar and notice for **Oral Arguments** on July 15, 2015, the following matters: (1) Taryn Hartnett's Motion for Summary Judgment (#89); (2) Taryn Hartnett's Motion for Summary Judgment on Counterclaims (#91); (3) Chapman Legal Group's and Avery Chapman's Motion for Summary Judgment (#93); (4) Chapman Legal Group's and Avery Chapman's Motion for Summary Judgment on Counterclaims (#95); and (5) Chapman Legal Group's, Avery Chapman's, and Taryn Hartnett's Motion to Strike (#122).

IT IS FURTHER ORDERED that the Clerk of Court calendar on that same date and at that same time an **Evidentiary Hearing** and **Oral Arguments** on the Memorandum and Recommendation (#128) and the underlying Motion for Sanctions and Contempt of Douglas R

Smith (#83), and that plaintiff Douglas R. Smith is hereby Ordered to personally appear at that hearing and there show cause why he should not be held in contempt for failing to comply with the court's April 20, 2015 "Order" (#75).

The Clerk shall block out two hours for such evidentiary hearing and oral arguments.

Signed: June 16, 2015



Max O. Cogburn Jr.
United States District Judge